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PART I

IMPORTANT GOVERNMENT ORDERS

CHIEF SECRETARIAT

Administration of Civil Justice during 1931-32

READ—

The Report on the Administration of Civil Justice in Mysore during the year 1931-32, received from the Registrar, High Court, with his letter No. P. 37—31-32, dated 21st October 1932.

ORDER No. P. 3599—CTS. 106-32-3, DATED BANGALORE, THE 27—28TH DECEMBER 1932.

Recorded.

The total number of Civil Courts under the High Court in existence on the last day of the year under review was 36 consisting of 4 District Judges' Courts including the Additional District Judge's Court, Bangalore, 4 Subordinate Judges' Courts, 1 Small Cause Court, 2 Additional Subordinate Judges' Courts *cum* First Class Magistrates' Courts, 24 Munsiffs' Courts and one Court of Second Munsiff—Magistrate, Shimoga. The temporary Additional District Judge's Court, Bangalore, was further continued up to the commencement of the Civil Courts' vacation of 1933. With a view to give relief in respect of the appellate work of the Shimoga Division, the First Class Magistrate, Chitaldrug, was appointed as an Additional Subordinate Judge to the Subordinate Judge's Court, Shimoga, and he has been hearing Civil appeals since 2nd December 1931. The Second Magistrate, Shimoga, was invested with the powers of a Munsiff in respect of Small Cause suits transferred to him from the file of the Munsiff of Shimoga under the orders of the District Judge, Shimoga.

Original Work.—The number of suits filed during the year rose from 38,238 to 41,921 showing an increase of 9·6 per cent. The increase was all round though proportionately larger under ordinary suits than under small causes.

Including 18,569 suits pending at the end of he previous year and those refiled and excluding 485 suits transferred from Court to Court, there were in all 61,377 suits for disposal of which 29,789 were ordinary and 31,588 Small Cause. Of these, 41,207 suits were disposed of as against 39,899 in the previous year, the increase in disposals being in the Mysore and Shimoga Divisions. Though there has been an increase in the volume of work turned out, the disposals have not kept pace with the institutions, with the result that the pending file has risen from 18,569 to 20,170. The percentage of contested disposals was 31·7 in the case of ordinary suits and 13·8 in the case of small causes against 34·3 and 14·6 in the previous year. The percentage of *exparte* disposals to total disposals were 9·8 against 39·3 in the case of ordinary suits and 59·8 against 60·3 in the case of small causes.

It is satisfactory to note that the general average duration of suits, both contested and uncontested, disposed of during the year has shown a decrease as compared with that of the previous year, being 156·7 days as against 175·7. This decrease obtains in respect of both contested and uncontested suits. Government note that while the decrease is observable in the work of the Munsiffs and Subordinate Judges' Courts, the average duration in the District Courts has risen from 585·4 days to 885·3 days. This is said to be due to the disposal of a larger number of long pending suits (74 against 58).

The number of suits pending at the close of the year was 20,170 as against 18,569 at the end of the previous year, the increase being mainly due to increased institutions. It is expected that presiding officers of Courts will make every effort to reduce the pendency and continue to devote special attention to the disposal of old suits, some of which have been pending from 1920-21.

The largest pendency was in the Munsiff's Court, Shimoga. Relief has been given to that Court during the year by empowering the Second Magistrate, Shimoga, to dispose of some of the Small Cause Suits. Next in order of heavy pendency come the Munsiffs' Courts at Nanjangud, Madhugiri and Hassan. The High Court is requested to propose measures for the reduction of pendency of those Courts.

Out of 76,275 applications for the execution of decrees, 43,48 applications against 44,335 were disposed of during the year. The percentage of applications that proved wholly infructuous was less than in the previous year being 58 against 59·8.

Appellate Work of Subordinate Courts.—Including 1,515 Regular appeals pending from the previous year there were for disposal 2,483 appeals as against 2,353 in the previous year. Out of these 748 were disposed of as against 38, 391 in the Courts of the District Judges and 357 in those of Subordinate and Additional Subordinate Judges. The average duration of regular appeals disposed of was reduced from 384·0 days to 316·2 days in the Courts of the District Judges and from 505·4 days to 409·4 days in the Courts of the Subordinate Judges. Pendency has increased from 1,515 to 1,735 as a result of the disposals not having kept pace with the institutions. The pendency is heaviest in the Bangalore Division with 711 appeals. With the establishment of the temporary Additional District Court and the appointment of the Judge of the Small Cause Court, Bangalore, and the First Magistrate, Kolar, as Additional Subordinate Judges, the situation ought to have been more satisfactory. The appointment of the First Magistrate, Chitaldrug, and the First Class Magistrate, Hassan, as Additional Subordinate Judges will, it is hoped, afford the needed relief in the other two Divisions.

High Court.—Including 232 first appeals pending at the commencement of the year, there were for disposal 290 first appeals as against 372 in the previous year. Out of this 82 appeals were disposed of as against 140 in the previous year, the decrease being due to the decrease in the number ready for disposal. Out of these 71 were over one year old and consequently the average duration in the disposal of first appeals was just about the same as last year, being 1174·46 days against 1173·12 days. The pendency of first appeals has been continuously falling and the number left pending at the end of the year 1931-32 was 208.

Second Appeals.—Including 337 second appeals pending from the previous year, there were for disposal 513 such appeals and 162 out of this were disposed of leaving 351 pending at the end of the year as against 337 at the end of 1930-31. The average duration of the appeals disposed of was 507·13 against 404·57 in the previous year, 56 per cent of the disposals relating to cases over one year old.

The Subordinate Courts at the headquarter stations of Divisions and the Munsiff's Court, Madhugiri, were inspected by the Judges of the High Court. All the Munsiffs' Courts in their respective Divisions were inspected by the District Judges.

Agriculturists Relief Regulation.—While it is reported that relief under the Regulation is being availed of to some extent in the Taluks of Manjarabad and Koppa, the Munsiff of Sagar reports that full advantage is not being taken of its provisions by indebted agriculturists and that creditors themselves are voluntarily offering easy instalments. The Regulation is on the whole having a beneficial effect and in course of time the relief under it will, it is hoped, reach those for whose benefit it is intended as it comes to be better understood and appreciated by them. The question of extending the Regulation to other Taluks is under correspondence with the High Court.

Government are glad to note that there has been an increased outturn of work all round.

R. RANGA RAO,
Chief Secretary to Government.

FINANCIAL SECRETARIAT

Members of the Insurance Committee of the Public Branch.

READ—

Letter No. 14061, dated 16th December 1932, from the Secretary, Insurance Committee, stating that 31 persons offered themselves to stand for election to represent the insured on the Insurance Committee of the Public Branch, and that the three gentlemen noted in the margin have secured the highest number of votes, and requesting sanction to their appointment as Members of the Committee for a period of three years from 1st January 1933.

1. Mr. Belur Srinivasa Iyengar, B.A., B.L.
2. ,, P. H. Krishna Rao, M.A.
3. ,, M. G. Mehkri, B.A., LL.B.

ORDER NO. FL. 3496-8—G. F. 5-32-52, DATED BANGALORE, THE 23RD DECEMBER 1932.

Sanctioned.

S. SHAMANNA,
Financial Secretary to Government.